

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23299 of 2004

Between:

Smt.T.Reddamma W/o.Madan Mohan Reddy,
R/o.Kuntrapakam Gram Panchaya,t Tirupati
Rural Mandal, Chittoor District.

..... PETITIONER

AND

- 1 Kuntrapakam Gram Panchayat, Tirupati Rural
Mandal, Chittoor District Rep. by its Secretary.
- 2 The Sarpanch, Kuntrapakam Gram Panchayat
Tirupati Rural Mandal, Chittoor District.
- 3 The District Collector, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in trying to demolish the petitioner's house situated at Kuntrapakam Village, Tiupati (Rural Mandal), Chittoor District as arbitrary, illegal, violative of Article 300-A of the constitution of India.

For the Petitioner: MR.A.SUDERSHAN REDDY, Advocate.

**For the Respondent Nos.1 and 2: Mr. D. Srinivas, Standing Counsel
for Kuntrapakam Gram Panchayat**

For Respondent No.3: G.P. for Panchayat Raj and Rural Dev.

The Court at the stage of admission made the following :

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ORDER:

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Heard the learned counsel for the petitioner and the learned Standing Counsel for the first respondent-Gram Panchayat and with their consent, the writ petition itself is disposed of at the stage of admission.

The grievance of the petitioner is that though she submitted her explanation on 20-9-2004 to the show-cause notice dated 15-9-2004 issued by the first respondent calling upon her to remove the encroachments in front of her house situated at Kuntrapakam village, Tirupati Rural Mandal, Chittoor District, and also submitted documents on 13-10-2004 in pursuance of further notice dated 07-10-2004 issued by the first respondent, the first respondent without passing any orders thereon, is trying to demolish the front portion of her house, which is illegal and arbitrary.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition in the following terms:

The first respondent shall not demolish the front portion of the petitioner's house without considering the explanation submitted by her to the show-cause notice issued by the Gram Panchayat. If the first respondent has already considered the explanation of the petitioner, and passed orders, then they are at liberty to take action in accordance with the decision arrived at on the explanation of the petitioner.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

N.V. RAMANA, J

Date: 15-12-2004

Note:

Issue operative portion by wire at party's cost.

(Bo)

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To

- 1 The Secretary, Kuntrapakam Gram Panchayat, Tirupati Rural Mandal, Chittoor District.
- 2 The Sarpanch, Kuntrapakam Gram Panchayat, Tirupati Rural Mandal, Chittoor District.
- 3 The District Collector, Chittoor.
- 4 Two CCs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, A.P., Hyderabad (OUT).
- 5 Two CD copies.